

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

KEVIN ALMY,	)	
	)	
Plaintiff,	)	2:12-cv-00129-HDM-VCF
	)	
vs.	)	
	)	MINUTES OF COURT
D. DAVIS, et al.,	)	
	)	
Defendants.	)	October 28, 2014
	/	

**PROCEEDINGS: FURTHER TELEPHONIC PRETRIAL CONFERENCE**

**PRESENT:**

**THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE**

**Deputy Clerk: Paris Rich Reporter: Margaret Griener**

At 8:56 a.m., the Court convenes.

The Pro Se Plaintiff is present telephonically.

Micheline Fairbank and Kali Fox Miller are present telephonically on behalf of Defendants Eric Francher, Pamela Feil, Brandt Halling, James Keener, Veronica Meza, Terry Nelsen, and Ruben Vidaurri.

The Court addresses the areas of concern for this hearing regarding the finalization of exhibits, the issuance of subpoenas for certain inmate witnesses and the Plaintiff's review of his medical records. The Court, the Plaintiff and Ms. Fairbank confer. **IT IS ORDERED, the Plaintiff shall be allowed an additional 30 minutes (minimum) to further review his medical records. The Defendants' counsel shall ensure the Plaintiff is provided his reading glasses and a notepad for the review. The Plaintiff shall not be allowed to make copies of the records. Further, the Plaintiff shall notify the Court within ten (10) days, if he believes any documents are missing.**

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The Court addresses the Defendants' [376] and [378] Notice of Compliance filings and the specific information set forth therein as to the Plaintiff's proposed inmate witnesses and requested subpoenas.

**IT IS ORDERED, on behalf of the Plaintiff, the Clerk of the Court shall issue subpoenas for Dwayne Clark (Inmate No. 85009), Gary Winkler (Inmate No. 1021665), Steven Haag (Inmate No. 79268), and Larry Eugene Smith (Inmate No. 1001294).**

**IT IS FURTHER ORDERED, no further subpoenas shall be issued on behalf of the Plaintiff, unless the Plaintiff advises the Court within 30 days prior to trial that he has received written communication from any of the other potential inmate witnesses indicating they are willing to testify. Further, the Plaintiff shall provide the Court and the Defendants' counsel with a copy of any potential witnesses' written communication.**

The Court, the Plaintiff and Ms. Fairbank discuss the issue of trial exhibits. **IT IS ORDERED, the Defendants' counsel shall ensure the Plaintiff's exhibits are marked and available for trial.**

**IT IS FURTHER ORDERED, the Plaintiff's [379] and [382] Requests are denied as moot.**

The Court, Ms. Fairbank and the Plaintiff discuss the witnesses the parties intend to call for testimony at trial.

**IT IS ORDERED, the parties' Proposed Amended Joint Pretrial Order shall be filed no later than Thursday, November 13, 2014.**

**IT IS FURTHER ORDERED, the Plaintiff's exhibit list and copies of the Plaintiff's exhibits (except for his medical records) shall be made available to the Plaintiff no later than Thursday, November 20, 2014. IT IS FURTHER ORDERED, complete copies of all trial exhibits shall be provided to the Court by Thursday, November 20, 2014.**

The Court, Ms. Fairbank and the Plaintiff address the video conferencing procedure for inmate witness testimony. **IT IS ORDERED, the video conferencing connection for the Plaintiff's inmate witnesses from Lovelock Correctional Center and Northern Nevada Correctional Center shall be scheduled for Monday, December 8, 2014 between 2:00 p.m. and 4:00 p.m. The Defendants' counsel shall advise the Court forthwith if there is any problem with such scheduling.**

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The Court discusses the voir dire process. **IT IS ORDERED, proposed voir dire shall be filed no later than Monday, November 24, 2014.**

The Court addresses the proposed jury instructions. **IT IS ORDERED, proposed jury instructions shall be filed no later than Wednesday, November 26, 2014.**

The Court describes the anticipated trial procedure and sequence.

The Plaintiff requests he be allowed to retain his notes during his narrative testimony. The Court states it will allow the request, subject to defense counsel's prior review of the notes.

The Plaintiff addresses an issue regarding display at trial of his shoulder scars. The Court directs it will address the issue at the time of trial. **IT IS ORDERED, the Plaintiff shall be allowed to bring and wear both his white t-shirt and his blue shirt for the trial.**

The Court and the parties further discuss the trial procedure.

The Plaintiff addresses his transfer up to the trial location.

The Court discusses the Plaintiff's trial materials and requests the Defendants' counsel ensure that all of the Plaintiff's necessary trial materials are transported with him for the trial.

At 9:29 a.m. for unknown reason, the parties' telephonic connection is lost in the courtroom.

At 9:32 a.m., the Courtroom Deputy reconnects the Plaintiff and Ms. Fairbank. The telephonic hearing continues.

The Plaintiff addresses a remaining issue regarding the identity of certain individuals set forth in documents. At the Court's request, Ms. Fairbank confirms she will work with the Plaintiff and attempt to determine the identity of the individuals.

Ms. Fairbank inquires whether the Court requests a trial brief in this matter. The Court confirms no trial brief is required.

The Court and the Plaintiff recite appreciation for Ms. Fairbank's assistance in this case.

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The Court directs if the parties resolve this matter prior to the December 8, 2014 trial, they shall advise the Court.

At 9:37 a.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich  
Deputy Clerk